Lsp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7099 of 2006

Bank of Baroda Employees'
Congress ...Petitioner

V/s.

The Regional Manager and anr. ...Respondents

Mr.S.S.Pakale, Advocate for the Petitioner

Mr.S.M.Parkar for Respondent no.1

CORAM : B.H.MARLAPALLE,J.
DATED : 29th November, 2007

P.C.

Heard Mr. Pakale, the Learned Counsel for the Petitioner Union which is challenging the validity of Part-I award passed by the Industrial Tribunal on 7-6-2005 in Reference(IT) No. 7/1998. The Preliminary issue was framed by the Learned Member of the Industrial Tribunal against the union. In the impugned award, it has been held that the enquiry conducted was fair, proper and in accordance with principles of natural justice. It has been further held that findings drawn by the enquiry officer are not perverse.

2. Having regard to the law laid down in the case of

D.P.Maheshwari v/s. Delhi Administration reported in 1983 II LLJ Page 425, that the aggrieved party has the right to reagitate all the issues decided in the Part-I Award while challenging the final award and, therefore, the Petitioner Union will have a fulfledged opportunity to challenge the impugned findings in the Part-I Award while challenging the final Award, if so required. A Writ Petition under Article 227 of the Constituion need not be entertained against such an order having regard to the law laid down in D.P.Maheshwari's case (supra).

3. Mr. Parkar, the Learned Counsel, therefore, rightly prayed for directions to decide pending reference and pass the final award within a fixed period.

4. It is directed that Reference(IT) No. 7/1998 presently pending before the Industrial Tribunal at Nashik be heard and decided on its own merits and the final award be passed preferably within a period of 3 months from the receipt of Writ by the Tribunal.

5. Undoubtedly, all the issues raised in this petition are left open.

6. Save and Except the above directions, petition is disposed as withdrawn.

7. Ad-interim order stands vacated.

8. Writ be sent to Industrial Tribunal forthwith.

[B.H.MARLAPALLE,J.]